THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25715 OF 2005

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Dated: 01-12-2005

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Between

Mohammad Khaleel, S/o. Mohammad Iqbal, Occ: Business, R/o. H.No. 20-7-466, Fathedarwaza, Hyderabad and another.

...PETITIONERS

AND

Assistant Commissioner of Police, Mir Chowk Division, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the respondents 2 and 3 in interfering with their peaceful married life as illegal and arbitrary.

Learned counsel for the petitioners submits that the first petitioner married the second petitioner, who belongs to different religion, and their marriage was solemnized as per Muslim Personal Law on 25.09.2004. It is stated that the petitioners are majors and therefore, with their consent and will only the marriage took place. But the said marriage is not to the liking of the father of the second petitioner and at his instance the respondents 2 and 3 are interfering with the peaceful married life of the petitioners. He further submits that without their being any complaint and without registering any cognizable offence the police cannot interfere with their peaceful married life.

Having regard to the facts and circumstances of the case, if any report/complaint is filed

against the petitioners and if any cognizable offence is said to have been committed by the petitioners, it is always open for the police to register a case against the petitioners and investigate the same. But in the absence of any report/complaint alleging that the petitioners have committed a cognizable offence the police cannot interfere with the personal life and liberty of the petitioners.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 1, 2005

Note: Furnish C.C. of the order by 03.12.2005

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